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March 17, 2023

By ECF

United States District Court – EDNY
225 Cadman Plaza East
Brooklyn, NY 11201
Attn: Honorable Edward R. Korman

RE: Ayres v. Robert J. Shiver et al (21CV0473)(ERK)(PK)

Dear Judge Korman:

Pursuant to your Order dated March 10, 2023, please consider this a status update as to the substitution of Mr. Shiver's appointed guardian. Pursuant to the Order of Judge Bonnie J. Mizdol of the Superior Court of New Jersey's Probate Division, Melanie Costantino, Esq., has been appointed *pendente lite* temporary guardian and will stay on in the role of temporary guardian to Robert J. Shiver for a period of three (3) months. This Order was originally filed on January 23, 2023 and filed into the instant case through ECF [55] on February 14, 2023.

To date, there is no permanent guardian who could be duly substituted as party to this matter. Once the final guardian is appointed, Plaintiff will amend the caption to include the guardian as a Defendant.

I write with the knowledge and consent of Defendant's counsel, David Wims. Parties have agreed that all papers filed on motions for summary judgment to date are deemed substituted.

Sincerely yours,

David G. Gabor

David G. Gabor

Cc: Honorable Peggy Kuo
David Wims, Esq.